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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,513	11/13/2000	Fuyuki Inui	Q61694	4494

7590 09/20/2005

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EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/709,513	Applicant(s) INUI, FUYUKI	
	Examiner Mark R. Milia	Art Unit 2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Claim 5, as amended, under 35 U.S.C. 103(a).
6. ☒ Newly proposed or amended claim(s) 5 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 5.
Claim(s) objected to: _____.
Claim(s) rejected: 2-4, 6, 8, 14-18 and 21.
Claim(s) withdrawn from consideration: 1, 7, 9-13, 19 and 20.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Applicant's current/proposed amendment to claims 5 and 17 would overcome the rejection cited in the previous Office Action regarding the use of the term "high" as being a relative term and thereby rendering the claims indefinite.

Response to Arguments

2. Applicant's current/proposed amendment to claim 5 would place the claim in condition for allowance as the Examiner agrees with the arguments presented on page 10. The reference of Homna fails to disclose printing contents of information associated with a category code depending on the frequency of a category code. The Examiner believes that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine this limitation with the other limitations that appear in the current/proposed amendment to claim 5.
3. Applicant's arguments filed 8/17/05, regarding the rejection of claims 1-4 and 6-21 have been fully considered but they are not persuasive.

Particularly, applicant's arguments regarding the current/proposed amendment to claim 2, on pages 9-10, state that the rationale used in the combination of Walkingshaw with Shidara and Akabori is inconsistent and not supported based on the teachings of

the references. The Examiner respectfully disagrees with the applicant as the combination of these references is supported in the teachings of the references. Specifically, Walkingshaw and Shidara are similar in both scope and procedure, as both references deal with printing information being carried on broadcast signals. Further, both allow a user to choose the information that will be printed. Walkingshaw is also similar to Akabori in that both references deal with a priority aspect used to print out specific information. Priority printing is well known and commonly used in the art. Walkingshaw allows a user to receive printed matter only for categories of products or information preselected by the user. In essence, this is a type of priority based printing system. The reference of Akabori is used to show that priority printing is commonly used and aids in the printing process. Therefore the motivation to combine Walkingshaw with the system of Shidara and Akabori to print only materials desired by the user (more specifically, to receive via a broadcast signal only that information in which the user desires) is not inconsistent with the teachings of the references because the reference of Walkingshaw discloses the first step in establishing a priority order by preselecting the information the user wishes to receive and the aspect of priority printing disclosed by Akabori shows that within the preselected information an order of printing can be specified.

Regarding the arguments on pages 10-11 directed toward the current/proposed amendment to claim 6 stating that the reference of Shidara fails to disclose printing of designated contents and information relating thereto, the Examiner respectfully disagrees. Particularly, in paragraphs [0066], [0068], and [0071], Shidara states that

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the label to be printed can be edited by the user prior to being printed and then sent to the printer for subsequent output. This is analogous to the claim limitation as the edited information that a user adds to the content already located on the label will be information related to that content.

Regarding the arguments on page 11 directed toward the current/proposed amendment to claim 21 stating that the reference of Shidara fails to disclose plural categories characterized into character or image information, the Examiner respectfully disagrees. Particularly, in paragraph [0073], Shidara states that the bitmap data can be compressed using a specific compression method or graphic data (e.g. circle, square, character code), which implies that the label content (bitmap data) is categorized by the system prior to being compressed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRM

Mark R. Milia
Examiner
Art Unit 2622


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SUPERVISORY PATENT EXAMINER
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